

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-23 are pending in the application, with Claims 1, 7, 13, 20 and 22 being the independent claims.

The Examiner objected to Claims 1, 7, 13-15, 20 and 22. The Examiner rejected Claims 1, 2, 5-8, 10-15, 17-20 and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,947,401 to *El-Malki et al.* (hereinafter, *El-Malki*) in view of U.S. Publication No. 2005/0020265 to *Funabiki et al.* (hereinafter, *Funabiki*). Claims 3, 9, 16, 21 and 23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding the objection to Claims 14 and 15, Applicants assert that Claims 14 and 15 are not duplicate claims. Claim 14 recites the condition of “each time each of the plurality of access routers delivers the distance measurement request message to a next node,” while Claim 15 recites the condition of “each time each of the plurality of access routers delivers the distance measurement message to a next node.” The distance measurement request message and the distance measurement message are different elements. Regarding the objection to Claims 1, 7, 13, 20 and 22, the claims have been amended to overcome the objections.

Regarding the §103(a) rejection of Claims 1, 7, 13-15, 20 and 22, the Examiner contends that each element of Claims 1, 7, 13-15, 20 and 22 is taught or suggested by the combination of *El-Malki* and *Funabiki*.

Claim 1 has been amended to incorporate the elements of dependent Claim 3. More specifically, Claim 3 has been cancelled without prejudice and Claim 1 has been amended to recite the step of: generating by the MN a binding update message and sending to a correspondent node and a home agent the generated binding update message, if it is determined

from the hop count that a distance between the new access router and the RAP exceeds a distance limitation. Claim 3 has been deemed allowable by the Examiner. Thus, Claim 1, as amended, is patentable over the combination of *El-Malki* and *Funabiki*.

Independent Claims 7, 13, 20 and 22 have been amended in a manner similar to that of Claim 1. More specifically, independent Claims 7, 13, 20 and 22 have been amended to incorporate the elements of dependent Claims 9, 16, 21 and 23, respectively. Therefore, Claims 7, 13, 20 and 22, as amended, are also patentable over the combination of *El-Malki* and *Funabiki*.

Regarding Claims 2, 4-6, 8, 10-12, 14, 15 and 17-19, while not conceding the patentability of the dependent claims, *per se*, Claims 2, 4-6, 8, 10-12, 14, 15 and 17-19 are also allowable for at least the above reasons. Accordingly, Applicants assert that Claims 1, 2, 4-8, 10-15, 17-20 and 22 are allowable over the combination of *El-Malki* and *Funabiki*, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-8, 10-15, 17-20 and 22 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Registration No. 33,494
Attorney for Applicant(s)

THE FARRELL LAW FIRM, P.C.
333 Earle Ovington Blvd., Ste. 701
Uniondale, New York 11553
(516) 228-3565